Mr 13/5

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

MISC. CIVIL CASE NO. 282 /2005 Single Bench

APPLICANT

Smt. Amba Mahobia,
W/o. Shyam Kumar Mahobia,
Aged about 30 years,
R/o. Radha Kripa,
Near Shri Laxmi Narayan
Mandir, Durg (C.G.) (3)

VERSUS

NON-APPLICANT

Shyam Kumar Mahobia,
S/o. Late Shri Bhaiyaram
Mahobia, Aged about 37 years,
R/o. Ganga Niwas,
Adarsh Nagar, Kushalpur,
Raipur (C.G.)

P.R. No. 32391/05
Presented by Shri R.K. Pathak
dated 21/12/05

APPLICATION UNDER SECTION 24 OF CODE OF CIVIL PROCEDURE

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(42)

मामला क्रमांक M.C.C. No. 282/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

28-4-2006

Mrs. Fouzia Mirza, learned counsel for the applicant.
Mr. A.K.Prasad, learned counsel for the non-applicant.

The applicant has preferred this application under Section 24 of the Code of Civil Procedure for transfer of the Case No.148-A/2005, under Section 13 of the Hindu Marriage Act, pending before the Principal Family Court at Raipur (Shyam Kumar Mahobia vs. Smt. Amba Mahobia), on the ground that the applicant is a poor lady. She is residing with her mother at Durg and there is nobody with her to escort her from Durg to Raipur on each dates. It is also submitted that an other application under Section 125 of the Code of Criminal Procedure for maintenance filed by the applicant is pending in the Court of Judicial Magistrate First Class at Durg and the application for maintenance has been preferred at the earlier point of time.

Learned counsel for the non-applicant has denied the allegations made against the non-applicant in the application for transferring the case, however, he submits that he has no objection if the case is transferred to the Principal Family Court at Durg for trial.

In view of the submission of learned counsel for the parties and taking into consideration the pendency of maintenance case under Section 125 of the Code of Criminal Procedure in the Court of Judicial Magistrate First Class at Durg, this Court is of the opinion that in the interest of justice, the Case No.148-A/2005, under Section 13 of the Hindu Marriage Act, pending before the Principal Family Court at Raipur (Shyam

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

M.C.C. No. 282/05 (43)

मामला क्रमांक ..... सन् 200

—2—

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Kumar Mahobia vs. Smt. Amba Mahobia), should also be transferred to the Principal Family Court at Durg for trial. Ordered accordingly. The M.C.C. is allowed. Sd/- Dhirendra Mishra Judge	

Gopal